

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

Jason Russell Sullivan,

Plaintiff,

v.

Gateway Village Apartments, Stewart
Sarratt, John Abdalla, Patrick Wilkinson,
Brittany Scott, J. Land,

Defendants.

Civil Action No. 6:21-283-BHH

OPINION AND ORDER

This matter is before the Court for review of the Report and Recommendation (“Report”) of United States Magistrate Judge Kevin F. McDonald, which was made in accordance with 28 U.S.C. §636(b) and Local Rule 73.02(B)(2) for the District of South Carolina. On May 18, 2021, the Magistrate Judge issued his Report recommending the District Court decline to give Plaintiff further leave to amend his complaint, dismiss this action *with prejudice* and without issuance and service of process, and designate this action as a “strike” pursuant to 28 U.S.C. § 1915(g). (ECF No. 21.)

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with this Court. *See Mathews v. Weber*, 423 U.S. 261, 270–71 (1976). The Court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the Magistrate Judge. 28 U.S.C. § 636(b)(1). The Court may also receive further evidence or recommit the matter to the Magistrate Judge with instructions. *Id.* The Court is charged with making a *de novo* determination of those portions of the Report to which specific objections are made.

Plaintiff filed no objections and the time for doing so has expired. (See ECF No. 21 at 16.) In the absence of objections to the Magistrate Judge’s Report, this Court is

not required to provide an explanation for adopting the recommendation. See *Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983). Rather, “in the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee’s note).

Here, because no objections have been filed, the Court has reviewed the Magistrate Judge’s findings and recommendations for clear error. Finding none, the Court agrees with the Magistrate Judge that Plaintiff’s claims against Defendants are subject to summary dismissal.

Accordingly, the Report and Recommendation is adopted and incorporated herein by reference, and this action is DISMISSED **with prejudice** and without issuance and service of process. This dismissal **counts as a “strike”** for purposes of 28 U.S.C. § 1915(g).

IT IS SO ORDERED.

/s/Bruce Howe Hendricks
United States District Judge

June 17, 2021
Greenville, South Carolina

NOTICE OF RIGHT TO APPEAL

The parties are hereby notified that any right to appeal this Order is governed by Rules 3 and 4 of the Federal Rules of Appellate Procedure.